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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,705	05/02/2001	Christopher F. Weight	MS1-907US	7940
22801	7590	06/16/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BASHORE, WILLIAM L	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,705

Applicant(s)

WEIGHT, CHRISTOPHER F.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE with Request for Reconsideration (hereinafter the Request) filed 3/27/2006, to the original application filed 5/2/2001.
2. Claims 1-38 pending. Claims 1, 12, 20, 25, 31, 34 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Bernardo et al. (hereinafter Bernardo), U.S. Patent No. 6,247,032 issued June 2001.

In regard to independent claim 1, Fields teaches a host Website accepting (retrieving) new content from a plurality of Web content provider locations, the content retrieved intended to be ultimately reformatted as necessary and displayed on a Web page (Fields column 2 lines 36-51; compare with claim 1 "*A method comprising: retrieving content from a plurality of content providers, wherein the retrieved content is to be displayed in at least one Web page;*")

Fields teaches a host enacting a "filter policy" (i.e. a schema file) for a particular Web content provider's submission format for parsing specific content (i.e. validating licensing, accepting specific ads, etc.)

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(Fields column 10 lines 23-37). Fields does not specifically teach verifying via comparison of a data structure of the retrieved content with a data structure defined in a schema file. However, Fields teaches an agreed on set of tags, said tags can be special embedded tags identifying content areas. Fields also teaches said tags can be formalized as an XML document type definition (DTD) (Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file used for defining tags, etc. (i.e. data structures) as explained above, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply said DTD as a part of Fields's filter policy for verifying the format of retrieved content, providing the benefit of a well formed and concise final document (compare with claim 1 "*verifying the format of the retrieved content...in a schema file*").

Fields teaches rejecting content if content portions do not match the specific policy for a provider's content format (i.e. if said police dictates a publishers ads are not to be passed through, said ad content is deemed invalid, and is rejected, or at the very least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare with claim 1 "*rejecting particular content if the particular content format is not valid:*").

Fields teaches if a host Web site deems content is valid via adherence to its specific policy, said content is reformatted and displayed in a Web site accordingly (Fields column 8 lines 45-55; compare with claim 1 "*scheduling the particular content....displayed by a Web server.*"). Fields does not specifically teach scheduling publishing at a scheduled time. However, Bernardo teaches a Web site page content approval process, whereby said pages are sent to a designated user for approval pending publication, said approval subject to time limits (i.e. a timeslice comprising a beginning and end times) (Bernardo Abstract, column 10 lines 54-58, column 11 lines 1-5; compare with claim 1 "*scheduling*", and "*at a scheduled time*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the specific scheduled time intervals pending publication of content to Fields, providing Fields the benefit of time scheduling for publishing contents, so as to make sure all required approval checks are made.

In regard to dependent claim 2, Fields does not specifically teach a test page, then a live Web page. However, Bernardo teaches an approval process, whereby a user approves content (offline). When said content is approved, then it is ultimately published (Bernardo Figure 3 items 20, 22, 30, 24). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bernardo to Fields, providing Fields the benefit of offline testing, so as to flag objectionable and/or invalid content.

In regard to dependent claims 3, 4, Fields teaches automatically updating content on a Web page, which involves replacing (deleting the old content) with new content (Fields column 2 lines 52-54).

In regard to dependent claims 5, 6, 7, 8, Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

Claim 7 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 9, 10, 11, claims 9-11 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Fields teaches a schema and definition file in the form of a filter and filter database (Fields column 7 lines 55-65). Fields also teaches a hard drive (Fields Figure 7 item 726).

In regard to independent claim 12, claim 12 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 13, 14, 15, claims 13, 14, 15 incorporate substantially similar subject matter as claimed in claims 8, and 1, and are rejected along the same rationale.

In regard to dependent claims 16, 17, 18, 19, claims 16, 17, 18, 19 incorporate substantially similar subject matter as claimed in claims 1, 3, 7, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 20, claim 20 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 21, 22, 23, 24, claims 21, 22, 23, 24 incorporate substantially similar subject matter as claimed in claims 1, 1, 1, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 25, claim 25 reflects the apparatus comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 26, Field teaches reformatting (re-editing) retrieved content (Fields column 8 lines 45-50).

In regard to dependent claims 27, 28, 30, claims 27, 28, 30 reflect the apparatus comprising computer executable instructions used in performing the methods as claimed in claims 2, 1, 8 respectively, and are rejected along the same rationale.

In regard to dependent claim 29, Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to independent claim 31, claim 31 reflects the system comprising computer executable instructions used in performing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 32, 33, claims 32, 33 reflect the system comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 34, claim 34 reflects the computer program product comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 35, 36, 37, 38, claims 35, 36, 37, 38 reflect the computer program product comprising computer executable instructions used in performing the methods as claimed in claims 8, 6, 1, 1 respectively, and are rejected along the same rationale.

Response to Arguments

5. Applicant's arguments filed 3/27/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 12 of the Request, that the Office has failed to provide a proper motivation to combine the teachings of Fields and Bernardo. The examiner respectfully disagrees. Both Fields and Bernardo substantially deal with filtering or approving Web content. Fields utilizes "filters" for approving said content. Pursuant to terms of an account contract, Fields publishes said content accordingly pending approval. Bernardo teaches creation of a Web site utilizing an approval process, whereby submitted content is analyzed by a person (i.e. legal analysis) and approved accordingly under time constraints. It is respectfully submitted that Fields can benefit from Bernardo's human analysis of content. Part of Fields's filtering deals with logo and copyright statements (Fields column 10 lines 15-22). Bernardo's disclosed legal department can aid in the filtering and reorganization of content facilitating a decrease in conflicting logos, statements, etc. Applicant argues that the

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combination results in an “undesirable delay” in responding to a user’s request for content. However, it is respectfully noted that the pending claims do not appear to be directed towards the elimination of time delay. Instead, the examiner sets forth that the combination would make sure all approval checks are made (greater approval accuracy, etc.)

Applicant argues from bottom of page 12, to middle of page 13 of the Request, that Fields teaches away from Bernardo’s feature of delaying publication of content in order to wait for Web site approval. The examiner respectfully disagrees. To the best of the examiner’s knowledge, although caching (and document speed) is disclosed within Fields, Fields’s invention is substantially directed to altering submitted Web content so as to conform to (at least) the “look and feel” of a host site. It is noted that the word “delay” as used by Applicant is relative and open to interpretation.

Applicant argues on pages 13-14 of the Request that the cited references fail to teach all of Applicant’s claimed features. In particular, publishing at a scheduled time. In additional support to the instant rejections, it is noted that Bernardo’s intention is to eventually publish content pending approval within a certain period of time. The pending claims do not specifically point out what particular time is scheduled, therefore a “scheduled time” can be anytime. If not implied, then it is at least obvious that Bernardo “schedules” publication of a Web page at a particular point in time once approval is granted by a reviewer(s).

Applicant argues on pages 16-17 of the Request that the cited references do not teach “removal” of retrieved content, etc. (also repeated with respect to claim 34 – see page 20 of the Request). The examiner respectfully disagrees. Fields teaches alteration of content accordingly, which can comprise removal of content (i.e. removal of an ad, etc.).

Conclusion

6. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

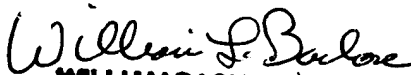
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM BASHORE
PRIMARY EXAMINER

June 9, 2006